REMARKS

Claims 1, 2, 10-18, 22, 27-31 and 33-37 are pending in the application. Claims 19, 20 and 32 have been cancelled without prejudice or disclaimer of the subject mater therein, and new claims 35-37 have been added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks herein.

Claim Rejections – 35 U.S.C. § 101

Claims 18-20, 22 and 31-33 stand rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

As noted above, claim 19 has been cancelled without prejudice or disclaimer. Consequently, the rejection of claim 19 has been rendered moot.

Claim 18, as amended herein, includes the feature of executing one or more process instances on a distributed computer system comprising a plurality of computers. Claim 22, as amended herein, includes the features of a plurality of computers that communicate with one another over one or more communications channels to define a distributed computer system and means for receiving a specification of a predetermined condition at one or more computers of the plurality of computers. Consequently, claims 18 and 22, and their respective dependent claims, are directed to statutory subject matter. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claim Rejections – 35 U.S.C. § 112

Claim 12 stands rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. This rejection is respectfully traversed.

Claim 12 has been amended to replace the term "the component" with "a component." Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Claim 11 has been amended to replace the term "the component" with "components of the plurality of components."

Claim Rejections – 35 U.S.C. § 103

Claims 1, 2, 10-20, 22 and 27-34 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Pub. No. 2006/0085798 to Bendiksen et al. ("Bendiksen") in view of in view of Alonso et al., WISE: Business to Business E-Commerce ("Alonso"), further in view of U.S. Pat. No. 6,721,941 to Morshed et al. ("Morshed"). This rejection is respectfully traversed.

Each of claims 19, 20 and 32 has been cancelled without prejudice or disclaimer. Consequently, the rejection of claims 19, 20 and 32 has been rendered moot.

As discussed in Applicants' previous response each of claims 1, 10, 14, 15, 18 and 22, as previously presented, includes the features that define over the asserted references. However, and solely in an effort to further prosecution of the instant application, each of claims 1, 10, 14, 15, 18 and 22 has been amended to provide the features of a first agent collecting a first process data item of a first type corresponding to a first attribute and a second attribute, and a second agent collecting a second process data item of a second type corresponding to the first attribute and the second attribute, the first type being different from the second type. Each of claims 1, 10, 14, 15, 18 and 22 has been further amended to provide the features of identifying the first and second process data items as belonging to a common process instance when a value of the first attribute is equal for both the first and second process data items, identifying the first and second process data items as belonging to a common process instance when values of the first and second attributes are equal for both the first and second process data items, and identifying the first process data item and a third process data item collected by a third agent as belonging to a common process instance when the first and second process data items belong to a common process instance and the second and third process data items belong to a common process instance. As discussed in further detail herein, Bendiksen, Alonso and Morshed, taken either alone or in combination, fail to disclose or render obvious at least these amended features of claims 1, 10, 14, 15, 18, 19 and 22.

As discussed in Applicants' previous response, Bendiksen is generally directed to an analyzer system 10 that includes analyzers 12 associated with databases 20, and a plurality of

sensors 14 that capture event data of user applications 16, and store the event data in the databases 20 (see Figs. 1 and 5, and ¶¶ [0047]-[0051] and [0078]-[0080]). Execution of the user application 16 is passed through the associated sensor 14 via a path 101 (see ¶ [0050] and Fig. 1). More specifically, during the execution of the user application 16, control is passed via path 101 to the associated sensor 14 whenever a monitored application program interface (API) is invoked. In response, the sensor 14 generates an event representing and API call state (see ¶¶ [0050] and [0054]).

As noted above, an event entry represents the captured state of a function call collected by one of the sensors 14. As explicitly provided in Bendiksen, an event entry is associated with a program instance and includes standard event attributes (¶ [0060] and Fig. 11). As illustrated in Fig. 11 and described in ¶ [0060], the standard event attributes include host name, program name, which is the name of the particular program being monitored, and program instance identifier, which is the runtime program instance identifier. Each event entry is associated with a group of event relationships including a message path relation, which associates events that serve as the source and destination of a message transaction between two entities in the monitored system (¶ [0062]).

In view of the foregoing, Bendiksen fails to disclose the features of a first agent collecting a first process data item corresponding to a first attribute and a second attribute, and a second agent collecting a second process data item corresponding to the first attribute and the second attribute, the second process data item being different from the first. Instead, and as explicitly provided by Bendiksen, the sensor 14 each monitor API calls and records standard API call attributes as an event. Consequently, Bendiksen only monitors one type of metric, namely API calls. Furthermore, Bendiksen does not disclose the features of identifying the disparate types of process data items as corresponding to a common process instance based on their attributes. Indeed, there is no need for such a feature in Bendiksen, because each API call event includes a program name and a program instance identifier. Consequently, the program instances of Bendiksen are known *a priori*, and need not be discovered by comparing API call events.

Neither Alonso nor Morshed cure the deficient disclosure of Bendiksen. More specifically, Alonso and Morshed are not asserted as disclosing, nor do either Alonso or Morshed disclose, the above-discussed features of each of claims 1, 10, 14, 15, 18 and 22.

In view of the foregoing, Bendiksen, Alonso and Morshed, taken alone or in combination, fail to disclose or render obvious at least the above-described features of each of claims 1, 10, 14, 15, 18 and 22. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Each of claims 2, 11-13, 16, 17, 27-31 and 33-34 ultimately depends from one of claims 1, 10, 14, 15, 18 and 19, which define over the asserted references, as discussed in detail above. Consequently, each of claims 2, 11-13, 16, 17, 27-31 and 33-34 also defines over the asserted references for at least the same reasons. Therefore, reconsideration and withdrawal of the rejections are respectfully requested.

Other Claim Amendments

Claims 35-37 have been added, and each ultimately depends from claim 1. Each of claims 35-37 includes features that are neither disclosed nor rendered obvious by the asserted references. Further, each of claims 35-37 ultimately depends from claim 1, which defines over the asserted references for at least the reasons discussed in detail above. Consequently, each of claims 35-37 also defines over the asserted references for at least the same reasons. Therefore, favorable consideration and allowance of each of claims 35-37 are respectfully requested.
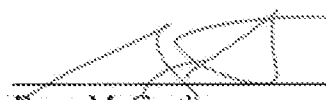
CONCLUSION

The absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reason for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to amendment. Applicants respectfully request consideration of all filed IDS' not previously considered, by initialing and returning each Form 1449.

The undersigned attorney welcomes the opportunity to further discuss by telephone any position or issue not fully addressed by the above remarks and amendments.

Applicants request a one-month extension of time. The necessary fees are being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply all charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 13913-0120001.

Respectfully submitted,

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